

# FINAL BILL REPORT

## ESHB 2651

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Synopsis as Enacted

**Brief Description:** Regarding disclosure of animal information.

**Sponsors:** By House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Pettigrew, Kristiansen, Haigh, Buri, Walsh, Linville, Kretz, Grant, Cox, Newhouse, Holmquist, Blake, Armstrong and Springer).

**House Committee on Economic Development, Agriculture & Trade**  
**Senate Committee on Agriculture & Rural Economic Development**

### **Background:**

#### National Animal Identification System (NAIS) Purposes

In 2004, the U.S. Department of Agriculture (USDA) initiated the NAIS as a comprehensive information system to support ongoing animal disease monitoring, surveillance, and eradication programs. When fully operational, the system is planned to be in use in all states to identify and track animals as they come into contact and commingle with animals other than those in their premises of origin. The system is intended to enable animal health officials to trace a sick animal or group of animals back to the herd or premises that was the most likely source of infection. A stated long-term NAIS goal is to be able to identify all premises and animals that had direct contact with a foreign animal disease or domestic disease of concern within 48 hours of discovery.

#### NAIS Implementation

The NAIS implementation involves both the federal and state departments of agriculture and has three phases: premise registration; animal identification; and animal movement reporting. The program is voluntary, but may become mandatory at the federal level in 2009 or 2010.

The first phase, voluntary premise registration, is a state and tribal responsibility. A premise is a location where animals are born, managed, marketed or exhibited. The state Department of Agriculture began premise registrations in January 2005. In the past year, 875 Washington premises have registered using an application that calls for the following information:

- "Account Information": primary and alternate contact names; account number; mailing address; telephone/fax/e-mail; business type (LLC, non-profit, incorporated, government, etc.); business operation type (lab, slaughter plant, market/collection point, quarantine facility, production unit, exhibition, etc.); and

- "Premise Information": name/description of premise ("back 40;" "barn #2"); premise number if known; physical address; longitude/latitude if known; primary contact name, telephone/fax; legal description of land (township, range, section); and premise operation type (lab, slaughter plant, market/collection point, quarantine facility, production unit, exhibition, etc.).

The second phase of NAIS will involve issuance of unique individual or group lot animal identification numbers. Nationally, a number of industry/government species-specific workgroups have formed to consider which types of identification will work best for their particular animals. Methods under consideration include radio frequency identification tags, retinal scans, DNA, and other options.

The third phase will focus on collection of information on animal movement from one premises to another. Although the USDA had initially announced plans for the data to reside in a central federal database, the agency recently stated that there will be no single repository, but instead multiple databases, some with the private sector and some with states. The databases will include: records of the animal identification number; the premises identification number where the movement takes place; the date and type of event such as movement in or out of a premises, or termination of the animal. Additional information pertinent to an animal disease investigation such as species, age, and breed may also be reported and stored.

#### Access to Data and Disclosure

According to the USDA, federal, state, and tribal animal health and public health officials will have access to the databases when they need information to administer animal health programs. Proprietary production data will not be retained by the USDA.

Due to privacy concerns voiced by producers, the USDA had been investigating options for protecting the confidentiality of animal premises, identification and movement data from the Freedom of Information Act (FOIA). Because public disclosure laws, rules, and issues vary from state to state, there is no standardized approach being taken by states with respect to public disclosure exemptions for premises, identification, and movement data.

#### Reportable and Non-Reportable Diseases/Public Disclosure

The Director of the Department is authorized to designate by rule certain animal diseases as "reportable" by veterinarians, veterinary laboratories, and others when required by statute. Some are categorized as emergency diseases which must be reported to the State Veterinarian on the day discovered. Examples are: Bovine Spongiform Encephalopathy (BSE), Exotic Newcastle Disease, Foot and Mouth Disease, and High Pathogenic Avian Influenza. Some must be reported the next working day when suspected or confirmed, including: Brucellosis, Chronic Wasting Disease, and Lyme Disease. Other diseases are reportable monthly. When reportable disease investigations are complete, both positive and negative results must be disclosed according to World Animal Health Organization (OIE) codes.

Results of testing requested by an animal owner for diseases not required to be reported is subject to public disclosure.

**Summary:**

Information that is submitted by an individual or business for participation in a state or national animal identification system is exempt from public disclosure. However, disclosure of such information to government officials at the local, state or federal levels is not public disclosure. In addition, the exemption does not affect disclosure of information used in an investigation of a reportable animal disease once the investigation is complete. The results of testing for an animal disease not required to be reported that is (1) done at the request of the owner or his or her designee and (2) can be identified to a particular business or individual is exempt from public disclosure.

**Votes on Final Passage:**

House	95	0
Senate	44	0

**Effective:** June 7, 2006  
July 1, 2006 (Section 3)